

Introduced by Senator Perata

February 18, 2004

An act to amend Sections 84203, 84203.5, and 84204 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, as introduced, Perata. Campaign disclosure.

Under the existing Political Reform Act of 1974, a candidate or committee that has made independent expenditures totaling \$1,000 or more in a calendar year is required to file independent expenditure reports, as specified.

This bill would require filing officers to maintain paper independent expenditure reports under the name of the candidate or measure supported or opposed by the independent expenditure.

Under the Political Reform Act, a committee that makes a late independent expenditure, as defined, is required to report the expenditure, as specified, within 24 hours of the time it is made. The act also requires each candidate or committee that makes or receives a late contribution, as defined, to report the late contribution, as specified, within 24 hours of the time the late contribution is made or received.

This bill would provide that late independent expenditure reports are not required for any committee filing independent expenditure reports pursuant to a specified provision. The bill also would provide that late contribution reports are not required for contributions disclosed pursuant to specified provisions.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84203 of the Government Code is
2 amended to read:
3 84203. (a) Each candidate or committee that makes or
4 receives a late contribution, as defined in Section 82036, shall
5 report the late contribution to each office with which the candidate
6 or committee is required to file its next campaign statement
7 pursuant to Section 84215. The candidate or committee that makes
8 the late contribution shall report his or her full name and street
9 address and the full name and street address of the person to whom
10 the late contribution has been made, the office sought if the
11 recipient is a candidate, or the ballot measure number or letter if
12 the recipient is a committee primarily formed to support or oppose
13 a ballot measure, and the date and amount of the late contribution.
14 The recipient of the late contribution shall report his or her full
15 name and street address, the date and amount of the late
16 contribution, and whether the contribution was made in the form
17 of a loan. The recipient shall also report the full name of the
18 contributor, his or her street address, occupation, and the name of
19 his or her employer, or if self-employed, the name of the business.
20 (b) A late contribution shall be reported by facsimile
21 transmission, telegram, guaranteed overnight mail through the
22 United States Postal Service, or personal delivery within 24 hours
23 of the time it is made in the case of the candidate or committee that

1 makes the contribution and within 24 hours of the time it is
2 received in the case of the recipient. A late contribution shall be
3 reported on subsequent campaign statements without regard to
4 reports filed pursuant to this section.

5 (c) A late contribution need not be reported nor shall it be
6 deemed accepted if it is not cashed, negotiated, or deposited and
7 is returned to the contributor within 24 hours of its receipt.

8 (d) A report filed pursuant to this section shall be in addition to
9 any other campaign statement required to be filed by this chapter.

10 (e) *The report required pursuant to this section is not required*
11 *for contributions disclosed pursuant to subdivision (a) or (b) of*
12 *Section 85309.*

13 SEC. 2. Section 84203.5 of the Government Code is amended
14 to read:

15 84203.5. (a) In addition to any campaign statements required
16 by this article, if a candidate or committee has made independent
17 expenditures totaling one thousand dollars (\$1,000) or more in a
18 calendar year to support or oppose a candidate, a measure or
19 qualification of a measure, it shall file independent expenditure
20 reports at the same time, covering the same periods, and in the
21 places where the candidate or committee would be required to file
22 campaign statements under this article, as if it were formed or
23 existing primarily to support or oppose the candidate or measure
24 or qualification of the measure. No independent expenditure
25 report need be filed to cover a period for which there has been no
26 activity to report.

27 (b) An independent expenditure report shall contain the
28 following information:

29 (1) The name, street address, and telephone number of the
30 candidate or committee making the expenditure and of the
31 committee's treasurer, and the number assigned to the committee
32 by the Secretary of State.

33 (2) If the report is related to a candidate, the full name of the
34 candidate and the office and district for which the candidate seeks
35 nomination or election. If the report is related to a measure or
36 qualification of a measure, the number or letter of the measure, or
37 if none has yet been assigned, a brief description of the subject
38 matter of the measure, and the jurisdiction in which the measure
39 is to be voted on or would be voted on if it qualified.

(3) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received less than one hundred dollars (\$100).

(4) The total amount of expenditures related to the candidate or measure during the period covered by the report made to persons who have received one hundred dollars (\$100) or more.

(5) For each person to whom an expenditure of one hundred dollars (\$100) or more related to the candidate or measure has been made during the period covered by the report and for each person who has provided consideration for an expenditure of one hundred dollars (\$100) or more during the period covered by the report:

(A) His or her full name.

(B) His or her street address.

(C) If the person is a committee, the name of the committee, the number assigned to the committee by the Secretary of State, or if no number has been assigned, the full name and street address of the treasurer of the committee.

(D) The date of the expenditure.

(E) The amount of the expenditure.

(F) A brief description of the consideration for which each expenditure was made and the value of the consideration if less than the total amount of the expenditure.

(G) The cumulative amount of expenditures to such person.

(6) A list of all the filing officers with whom the committee filed its most recent campaign statement.

(c) Filing officers shall maintain paper reports filed pursuant to this section under the name of the candidate or measure supported or opposed by the independent expenditure.

SEC. 3. Section 84204 of the Government Code is amended to read:

84204. (a) A committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure by facsimile transmission, telegram, guaranteed overnight mail through the United States Postal Service, or personal delivery within 24 hours of the time it is made. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A committee that makes a late independent expenditure shall report its full name and street address, as well as the name,

1 office, and district of the candidate if the report is related to a
2 candidate, or if the report is related to a measure, the number or
3 letter of the measure, the jurisdiction in which the measure is to be
4 voted upon, and the amount and the date, as well as a description
5 of goods or services for which the late independent expenditure
6 was made. In addition to the information required by this
7 subdivision, a committee that makes a late independent
8 expenditure shall include with its late independent expenditure
9 report the information required by paragraphs (1) to (5), inclusive,
10 of subdivision (f) of Section 84211, covering the period from the
11 day after the closing date of the last campaign report filed to the
12 date of the late independent expenditure, or if the committee has
13 not previously filed a campaign statement, covering the period
14 from the previous January 1 to the date of the late independent
15 expenditure. No information required by paragraphs (1) to (5),
16 inclusive, of subdivision (f) of Section 84211, that is required to
17 be reported with a late independent expenditure report by this
18 subdivision, is required to be reported on more than one late
19 independent expenditure report.

20 (c) A committee that makes a late independent expenditure
21 shall file a late independent expenditure report in the places where
22 it would be required to file campaign statements under this article
23 as if it were formed or existing primarily to support or oppose the
24 candidate or measure for or against which it is making the late
25 independent expenditure.

26 (d) A report filed pursuant to this section shall be in addition to
27 any other campaign statement required to be filed by this article.

28 (e) *The report required pursuant to this section is not required*
29 *for any committee filing reports pursuant to Section 85500.*

30 SEC. 4. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 SEC. 5. The Legislature finds and declares that this bill
40 furthers the purposes of the Political Reform Act of 1974 within

1 the meaning of subdivision (a) of Section 81012 of the
2 Government Code.

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